

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	)	
	)	
v.	)	
	)	Criminal No. 08-254
GERALD TILLMAN	)	
	)	

MEMORANDUM AND ORDER

Gary L. Lancaster,  
District Judge.

September 15, 2009

This is a matter involving the continuance of a criminal trial. Gerald Tillman has been charged with one count of conspiracy to distribute and possess with intent to distribute one kilogram or more of a mixture and substance containing a detectable amount of heroin, in violation of 21 U.S.C. § 846. His trial is currently scheduled to begin the week of September 14, 2009. However, because of exigent circumstances caused by the G-20 Summit scheduled to take place in Pittsburgh September 24-25, 2009, this court will sua sponte continue Mr. Tillman's trial until Tuesday, October 13, 2009.

When a sua sponte continuance causes a trial delay, the Speedy Trial Act requires the court to "set[] forth . . . its reasons for finding that the ends of justice served by the granting of such continuance outweigh the best interests of the public and the defendant in a speedy trial." 18 U.S.C. § 3161(h)(7)(A). The court finds that the ends of justice are best served by issuing a continuance because without such a continuance it would be impossible to complete Tillman's proceeding, as currently

scheduled. Id. at (h)(7)(B)(1). On Friday, September 11, 2009, various groups seeking permits to protest the G-20 Summit filed a motion for a temporary restraining order and/or a preliminary injunction. See CodePink Pittsburgh Women for Peace, et al. v. United States Secret Service, et al., case no. 09-cv-1235. Because this matter is time sensitive, the court has ordered defendants to file a response brief by 1 p.m. on September 15, 2009, and has scheduled a hearing for 10 a.m. Wednesday, September 16, 2009. The court must prepare for the hearing and address motions related to, inter alia, an expedited discovery schedule. The parties have indicated that the hearing will take at least one day. The CodePink matter will therefore occupy the court the week Mr. Tillman's trial was to take place.

Furthermore, the Federal Courthouse will be closed for business from Wednesday, September 23<sup>rd</sup> through Friday, September 25<sup>th</sup>, 2009, as a result of the G-20 Summit. At Mr. Tillman's pretrial conference, the parties indicated that his trial would last at least four to five days. The court does not take testimony on Fridays. Thus it is clear that the court will be unable to complete Tillman's trial before the courthouse closes on Wednesday, September 23, 2009. As a result, the court will grant a limited continuance until Tuesday, October 13, 2009.

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ORDER

AND NOW, this 15<sup>th</sup> day of September, 2009, it is  
hereby ORDERED, ADJUDGED and DECREED THAT Gerald Tillman's criminal  
trial is continued until Tuesday, October 13, 2009 at 9:30 a.m.

BY THE COURT:

 J.

cc: All Counsel of Record  
U.S. Marshal  
U.S. Probation  
U.S. Pretrial Services